

ORDINANCE # 2017-2128

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 7.11.02, PROHIBITING CALL CENTERS AND NICOTINE DISPENSING DEVICE BUSINESSES IN THE DOWNTOWN ZONING DISTRICT; AMENDING SECTION 2.01.00, ADDING DEFINITIONS FOR “CALL CENTER”, “DRUG PARAPHERNALIA”, AND “NICOTINE DISPENSING DEVICE BUSINESS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council desires to prohibit call centers, vaping and hookah stores in the Downtown in order to improve the City’s appearance and to improve commercial property values; and

WHEREAS, the regulations provided here are necessary and will prevent deleterious effects of blight and the resultant downgrading of real property values; and

WHEREAS, the regulations provided here are necessary and will promote the orderly planning, development and utilization of neighborhood and business premises.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. That Section 7.11.02, Prohibited uses in the Downtown District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.11.02 Prohibited uses

A building or premises shall not be used for any of the following purposes, without limitations:

- (1) Adult entertainment establishments;
- (2) Bail bond businesses;
- (3) Billiard parlors and pool halls;
- (4) Boarding houses and rooming houses (excluding bed and breakfast facilities);
- (5) Bottle clubs;
- (6) Call centers;
- ~~(6)~~(7) Commercial communications facilities and devices;
- ~~(7)~~(8) Convenience stores;
- ~~(8)~~(9) Drive-in restaurants;
- ~~(9)~~(10) Drug paraphernalia, as defined by Chapter 893, Florida Statutes, and sold in any type of establishment;
- ~~(10)~~(11) Flea markets;
- ~~(11)~~(12) Hypnotists;
- ~~(12)~~(13) Light manufacturing or fabricating;
- ~~(13)~~(14) Massage parlors;
- ~~(14)~~(15) Medical Marijuana Treatment Center Dispensing Facilities;
- ~~(15)~~(16) Modeling agencies;
- ~~(16)~~(17) Motor vehicle sales, storage or repair;
- ~~(17)~~(18) Nicotine dispensing device business;
- ~~(18)~~(19) Palm readers and astrologers;
- ~~(19)~~(20) Pharmacies.
- ~~(20)~~(21) Repair shops of motorized equipment;

- ~~(21)~~(22) Restricted personal service uses;
- ~~(22)~~(23) Storage facilities (indoor or outdoor);
- ~~(23)~~(24) Thrift stores;
- ~~(24)~~(25) Video game parlors; and
- ~~(25)~~(26) Warehouses.

SECTION II. That Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended to read as follows:

2.01.00 Definitions

Call Center means a centralized office that is set up to receive or transmit a large volume of requests by telephone or computer. They are operated by companies that: administer incoming product support or information inquiries from consumers; tele market; solicit charitable or political donations; collect debt; provide market research; provide “help desk” services; or other related customer service.

Nicotine dispensing device business means a business that sells, manufactures or gives away any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

SECTION III. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

SECTION V. This Ordinance shall become effective immediately upon its adoption.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Judy Meyers, City Clerk

\_\_\_\_\_  
Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: \_\_\_\_\_  
Timothy P. Driscoll, City Attorney